



Inspectional Services Department

Martin J. Walsh, Mayor

Guidance document regarding the sale of groceries at restaurants

To improve access to food during the COVID 19 Health Emergency, the City of Boston will be waiving the required Retail Food Permit for the sale of uncooked foods at currently permitted Food Service Businesses intending to sell groceries via delivery, curbside pickup, and takeout. Restaurants interested in selling groceries must include procedures for the following, as well as safe handling procedures in the operational plan submitted to the Boston Licensing Board:

Packaging and labeling of foods

Food purchased by restaurants is typically used to prepare restaurant food and not for retail sale to consumers. These foods often lack a nutrition facts label. The United States Food and Drug Administration (FDA) does not intend to object to the sale of packaged food that lacks a Nutrition Facts label by restaurants, provided that the food does not have any nutrition claims and contains other required information on the label, including the following, as applicable:

- safe handling instructions,
- a statement of identity,
- an ingredient statement,
- the name and place of business of the food manufacturer, packer, or distributor,
- net quantity of contents, and
- allergen information required by the Food Allergen Labeling & Consumer Protection Act.

The restaurant may reuse original labels or provide the above information on labels it creates or that are provided by the manufacturer. These guidelines are concurrent with FDA [temporary policy regarding labeling and packaging](#) during the COVID 19 public health emergency.

The FDA has also provided [temporary flexibility regarding packaging and labeling of shell eggs](#). To be followed for the sale of uncartoned shell eggs.

Retail sale of TCS (time temperature control for safety) foods

- All TCS foods require a proper temperature of 41F and/or below at all times.
 - milk, eggs, cheese, dairy, meats, cut produce, and refrigerated meals including any of these.
- All TCS foods shall remain under temperature control until it reaches the consumer.
- All Non TCS Foods (Shelf Stable) do not require refrigeration.
 - whole fruits and vegetables, bread, general staple products (ie.flour and sugar)